

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant had filed an amendment to the claims with accompanying arguments as a result of the rejection of paper number 10. Due to applicant's arguments, the examiner identified a difference between the manner of operation of applicant's invention and the applied prior art. The difference is that in the applied prior art, the Lethin et al. reference counts "completions" and "requests" (see fig. 29) where these "completions" and "requests" arise as a direct result of the operation of Lethin et al.'s compiler and interpreter, respectively. I.e., that the interpreter, as part of interpreting, also submits "requests", and that the compiler, as a direct result of compiling, submits "completions", which are then tallied by the system disclosed in fig. 29 to produce a result used to adjust the switch point between interpretation and compiling. In applicant's specification, the examiner interpreted applicant's teachings to indicate that the claimed "detecting" was performed in a manner independent of the operation of either the compiler or interpreter and not as a direct result of the operation of either unit. I.e., that a third party was monitoring the system to ascertain which of the compiler or interpreter were operating at any given interval. As a result of this discovery, the examiner formulated a proposed claim language change and contacted applicant's representative to discuss the changes necessary to bring this difference in operation to light in the claim language. That discussion (on August 19, 2004 and August 26, 2004) resulted in the examiner creating a proposed change list (see attachment) which was faxed to applicant for his approval on August 26, 2004. Applicant contacted the examiner again and left a voicemail message on August 30, 2004 at 12:58pm EDT indicating that the faxed proposed changes were acceptable and authorizing the attached examiner's amendment to expedite the case towards allowance..

Attachment to Interview Summary

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Mr. Hsu,

Here are the claim language changes I am proposing for independent claims 1, 10, 16, and 17 as we discussed.

Claim 1:

Line 8 change "detecting at intervals whether the interpreter or" to read
--detecting at intervals independently of the operation of the interpreter and translator which one of ~~whether~~ the interpreter or"

Claim 10:

Line 11 insert after "intervals" the text --independently of the operation of the instruction conversion processes--

Claim 16:

Line 12 change "detecting at intervals whether the interpreter" to read
--detecting at intervals independently of the operation of the interpreter and translator which one of ~~whether~~ the interpreter--

Claim 17:

Lines 8-9 change "detecting at intervals whether said interpreter" to read
--detecting at intervals independently of the operation of the interpreter and translator which one of ~~whether~~ said interpreter--

The textual change for claims 16 and 17 is identical to claim 1 due to the similarity of the language used by all three claims. The textual change to claim 10 is slightly different due to claim 10 referring to "instruction conversion processes" instead of "interpreter and translator".

If these changes remain acceptable to you as you tentatively indicated during our brief phone conversation today then I can make an examiner's amendment of the claims to expedite allowance of the application.

For reference, my voice line # is 703-305-9690.

Thank you.